IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 8TH MARCH 2007 / 17TH PHALGUNA 1928

LA.App..No. 1363 of 2005()

LAR.235/2000 of ADL.SUB COURT, THALASSERY
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APPELLANT:

STATE OF KERALA, REPRESENTED BY
SPECIAL TAHSILDAR, (L.A.) AIRPORT, KANNUR,
MATTANNUR.

BY GOVERNMENT PLEADER SMT.K.R.DEEPA

RESPONDENTS: CLAIMANT

JOHN JEENA GONSALVES, D/O.GEORGE D.SOUZA
THIRUVANGAD AMSOM, CHALIL DESOM,
GEM GARDEN, THALASSERY.

BY ADV. SRI.A.MOHAMED MUSTAQUE
SRI.M.K.SUMOD

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 08/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & K.T.SANKARAN,JJ.

L.A.A.No.1363 of 2005

Dated this the 8th day of March, 2007

JUDGMENT

Kurian Joseph,J.

This appeal is filed against the judgment and decree in L.A.R.No.235/2000 on the file of the Sub Court, Thalassery. The acquisition is for the purpose of Kannur Air Port. The total extent acquired is 3 acres. The land value has been paid only for 47 cents. The remaining 2 acres 53 cents was compensated by paying Rs.4,13,825/-. The reference court has rightly found that in case the market value is fixed at Rs.1,500/- per cent as has been fixed in the case of neighbouring lands, the value will be less than that amount. Therefore, it was found that the claimant will be entitled to land value for 47 cents at the rate of Rs.1,500/- per cent. Thus after deducting the amount of Rs.22,020/- the claimant was found entitled to Rs.48,480/- and the statutory benefits. The fixation made by the reference court being just, reasonable, proper and in tune with the value for the lands acquired in the neighbourhood, the appeal lacks merit and it is accordingly dismissed.

(KURIAN JOSEPH, JUDGE)

(K.T.SANKARAN, JUDGE)

ahg.